

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Rec'd PCT/PTO 05 APR 2005

Applicant's or agent's file reference 10762P3 WO/RH	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/04422	International filing date (day/month/year) .13.10.2003	Priority date (day/month/year) 12.10.2002
International Patent Classification (IPC) or both national classification and IPC C11D9/26		
Applicant RECKITT BENCKISER INC et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

## 3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  26.03.2004	Date of completion of this report  29.09.2004
Name and mailing address of the International preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Pentek, E  Telephone No. +49 89 2399-8489 

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International application No. **PCT/GB 03/04422**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-20 as originally filed

**Claims, Numbers**

1-31 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-31
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-31
Industrial applicability (IA)	Yes: Claims	1-31
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

1. None of the documents cited in the search report discloses a composition comprising in combination a non-cationic antimicrobial agent, a water-soluble organic solvent, an anionic surfactant, a hydrocarbon diluent and pine oil. Therefore, the claimed subject-matter is novel over said prior art.

2. Documents GB-A-2 304 115 (D1) and WO 97/06230 (D2) are considered to represent the most relevant state of the art as they relate to aqueous pine oil-containing compositions for cleaning and disinfecting hard surfaces which compositions bloom when diluted in water.

It is clear that the compositions of D1 and D2 which are specified in the claims and in the examples do not fully correspond to the present composition as claimed. That's why the claimed composition is novel over D1 and D2. However, the teaching of D1 and D2 is not limited to what is specified in the claims and examples. Even if compositions comprising the components A), B), C) and D) in D1 (claim 1) and compositions such as disclosed in table 1C of D2, comprising pine oil having at least 60% terpene alcohols and an alcohol or glycol solubilizing agent, provide systems which retain a transparent or clear appearance when in a concentrated form but which bloom when mixed with a larger amount of water, these compositions may also comprise other ingredients while maintaining the blooming effect upon dilution in water. These ingredients are phenolic germicidal (or antimicrobial) agents (page 14, lines 19 to 22 of D1; and page 2, line 29, and page 13, lines 14 and 15 of D2), anionic surfactants of the sulfonate or sulfate type surfactant (page 13, line 27 to page 14, line 16 of D2), (which surfactant being not excluded from the wording of "anionic soap surfactant" in present claim 1 when regarding the definition of said anionic soap surfactant in present claim 5) and/or a soap surfactant (page 19, lines 6 to 11 of D1), hydrocarbons of the terpene type (e.g. limonene) which can be included in pine oil-containing compositions for cleaning and disinfecting hard surfaces (page 15, lines 23 to 34 of D2) and fragrances which usually are hydrocarbons (page 14, line 23 to page 15, line 7 of D1).

Moreover, the composition specified in present claim 1 is not limited to the ingredients listed under a) to h) and may comprise other components than those used in the compositions of D1 and D2. The term "comprising" is not restrictive to the listed ingredients.

Furthermore, the present application does not contain any comparison of the claimed composition with compositions according to D1 and D2, showing that all of the ingredients listed under a) to e) of the present composition, i.e those which are not essential in the compositions of the state of the art (non-cationic

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antimicrobial agents, anionic (soap) surfactants, and hydrocarbon diluents), are essential for providing the blooming effect.

Therefore, the composition of present claim 1 and the benefits obtained by said composition is obviously derivable from the teaching of D1 and/or D2. Present claim 1 does thus not involve an inventive step.

3. Dependent claims 2 to 31 (claims 13, 14, 17, 29 and 30 are in fact dependent claims as they contain all the features of claim 1) do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step since said additional features are either known from D1 and/or D2 or represent slight constructional changes which come within the scope of the customary practice of a skilled person.